



01-04-06  
Sistrunk

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/731,554-Conf. #6350
		Filing Date	December 9, 2003
		First Named Inventor	David H. Walker
		Art Unit	1645
		Examiner Name	P. Baskar
Total Number of Pages in This Submission		Attorney Docket Number	AH-CLFR:181USD5

### ENCLOSURES (Check all that apply)

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Melissa L. Sistrunk		
Date	January 3, 2006	Reg. No.	45,579



Docket No.: AH-CLFR:181USD5  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David H. Walker et al.

Application No.: 10/731,554

Confirmation No.: 6350

Filed: December 9, 2003

Art Unit: 1645

For: HOMOLOGOUS 28-KILODALTON  
IMMUNODOMINANT PROTEIN GENES  
OF EHRLICHIA CANIS AND USES  
THEREOF

Examiner: P. Baskar

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. AH-CLFR:181USD5.

Dated: January 3, 2006

Respectfully submitted,

By Melissa L. Sistrunk  
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PTO/SB/08A (10-01)

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
				Application Number	10/731,554
				Filing Date	December 9, 2003
				First Named Inventor	David H. Walker
				Art Unit	1645
				Examiner Name	P. Baskar
Sheet	1	of	1	Attorney Docket Number	AH-CLFR:181USD5

<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		

<b>FOREIGN PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		
					<input checked="" type="checkbox"/> T <sup>6</sup>

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

<b>NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
	CA	Database EMBL Online, "Ehrlichia canis major outer membrane protein P30 multigene cluster 1, complete sequence," XP002346095, 10/28/1998 [abstract].			
	CB	Database UniProt Online, "P28-2 (Major outer membrane protein P30-10)." XP002346097, 03/01/2001 [abstract].			
	CC	Database UniProt Online, "P28-9." XP002346099, 03/01/2001 [abstract].			
	CD	Database UniProt Online, "P28-3 (Major outer membrane protein P30-4)." XP002346098, 03/01/2001 [abstract].			
	CE	Database UniProt Online, "P28-1 (Major outer membrane protein P30-5)." XP002346096, 03/01/2001 [abstract].			
	CF	Database EMBL Online, "Ehrlichia canis p28 multigene locus, partial sequence," XP002346094, 10/20/1998 [abstract].			
	CG	Reddy et al., "Molecular Characterization of a 28 kDa Surface Antigen Gene Family of the Tribe Ehrlichiae," <i>Biochem. Biophys. Res. Comm.</i> , 247: 636-643, 1998.			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Application No. (if known): 10/731,554

Attorney Docket No.: AH-CLFR:181USD5

## Certificate of Express Mailing Under 37 CFR 1.10

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Date



Signature

Julie Erwin

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IDS (Citation) by Applicant (1 page)  
Information Disclosure Statement (2 pages)  
Transmittal (1 page)